

ASSEMBLY BILL

No. 1785

Introduced by Assembly Member Frommer
(Coauthors: Assembly Members Bates, Canciamilla, Chu, Correa,
Daucher, Shirley Horton, Nakano, Negrete McLeod, Richman,
Wiggins, and Wolk)

July 15, 2003

An act to amend Section 86205 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1785, as introduced, Frommer. Political Reform Act of 1974.

Existing law requires a lobbyist to register with the Secretary of State and prohibits a lobbyist from engaging in certain activities.

This bill would prohibit a lobbyist or lobbying firm, during the term of a contract to provide political consulting services to a Member of the Legislature, or the 2-year period following termination of that contract, from contacting the Member for the purpose of influencing legislative action.

Existing law makes a violation of the act subject to administrative, civil, and criminal penalties.

This bill would impose a state-mandated local program by imposing these penalties on persons who violate the provisions of this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a $\frac{2}{3}$ vote of each house and compliance with specified procedural requirements.

This bill, which would declare that it furthers the purposes of the act, would therefore require a $\frac{2}{3}$ vote.

This bill would declare it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 86205 of the Government Code is
2 amended to read:

3 86205. No lobbyist or lobbying firm shall:

4 (a) Do anything with the purpose of placing any elected state
5 officer, legislative official, agency official, or state candidate
6 under personal obligation to the lobbyist, the lobbying firm, or the
7 lobbyist's or the firm's employer.

8 (b) Deceive or attempt to deceive any elected state officer,
9 legislative official, agency official, or state candidate with regard
10 to any material fact pertinent to any pending or proposed
11 legislative or administrative action.

12 (c) Cause or influence the introduction of any bill or
13 amendment thereto for the purpose of thereafter being employed
14 to secure its passage or defeat.

15 (d) Attempt to create a fictitious appearance of public favor or
16 disfavor of any proposed legislative or administrative action or to
17 cause any communication to be sent to any elected state officer,
18 legislative official, agency official, or state candidate in the name
19 of any fictitious person or in the name of any real person, except
20 with the consent of such real person.

21 (e) Represent falsely, either directly or indirectly, that the
22 lobbyist or the lobbying firm can control the official action of any
23 elected state officer, legislative official, or agency official.



1 (f) Accept or agree to accept any payment in any way
2 contingent upon the defeat, enactment, or outcome of any
3 proposed legislative or administrative action.

4 (g) (1) *During the term of a contract to provide political*
5 *consulting services to a Member of the Legislature, or during the*
6 *period of two years following the termination of that contract,*
7 *contact the Member for the purpose of influencing legislative*
8 *action.*

9 (2) *For purposes of this subdivision, "political consulting*
10 *services" means services with respect to a campaign for elective*
11 *office.*

12 SEC. 2. No reimbursement is required by this act pursuant to
13 Section 6 of Article XIII B of the California Constitution because
14 the only costs that may be incurred by a local agency or school
15 district will be incurred because this act creates a new crime or
16 infraction, eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section 17556 of
18 the Government Code, or changes the definition of a crime within
19 the meaning of Section 6 of Article XIII B of the California
20 Constitution.

21 SEC. 3. The Legislature finds and declares that this bill
22 furthers the purposes of the Political Reform Act of 1974 within
23 the meaning of subdivision (a) of Section 81012 of the
24 Government Code.

25 SEC. 4. This act is an urgency statute necessary for the
26 immediate preservation of the public peace, health, or safety
27 within the meaning of Article IV of the Constitution and shall go
28 into immediate effect. The facts constituting the necessity are:

29 In order to safeguard the legislative process from undue
30 influence as soon as possible, it is necessary that this act take effect
31 immediately.

